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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JOSE SUSUMO AZANO MATSURA, et
15 al.,
16 Defendants.

Case No.: 14cr388-MMA

**ORDER GRANTING JOINT
MOTION TO CONTINUE STATUS
HEARING**

[Doc. No. 270]

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18 Upon due consideration, good cause appearing, the Court **GRANTS** the parties'
19 joint motion, **VACATES** the status hearing currently set for April 4, 2016, and **RESETS**
20 the status hearing for **April 18, 2016 at 2:00 p.m.**

21 Based on the parties' joint motion to continue and exclude from the Speedy Trial
22 Act calculations the time from April 4, 2016, through April 18, 2016, based on pending
23 pretrial motions and the ends of justice, this Court also **FINDS**:

24 1. There are pending pretrial motions that require a hearing. *See* Doc. Nos.
25 101, 146. At the March 8, 2016 hearing, the parties briefly addressed the merits of
26 Cortes' request for discovery of Encinas's SDPD personnel file. At the April 18, 2016
27 motion hearing date, the parties wish to be heard further on that issue as well as the other
28 requests made in Cortes' discovery motion.

1 2. As for the “ends of justice” time exclusion, the filing of the second
2 superseding indictment, including adding a fifth defendant, Edward Susumo Azano
3 Hester, justifies the exclusion of time at least until April 18, 2016. On March 7, 2016,
4 Mr. Azano Hester was first arraigned in this case. *See* Doc. No. 257.

5 3. Discovery in this case is already voluminous. *See* Doc. No. 93, at 3. And
6 the United States will be providing significant new discovery relating to the new counts
7 and its ongoing investigation. Mr. Azano Hester’s counsel in particular, as the newest
8 attorney in this case, will need time to review the discovery in order to prepare for
9 pretrial motions and the trial itself. And all defense counsel will need time to analyze the
10 new indictment and the new discovery, in order to evaluate (or re-evaluate) trial tactics,
11 pretrial motions, and the significant amount of evidence in this case, including the new
12 discovery.

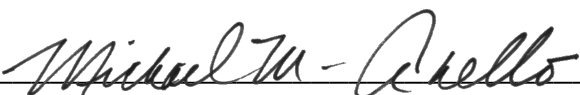
13 4. This case involves significant factual and legal complexity, as this Court has
14 found in the past. *See* Doc. No. 93, at 2-3. Since the new indictment increases the
15 number of counts charged from 26 to 39, as well as adding a new defendant, the case has
16 only become more factually and legally complex.

17 5. In light of the foregoing facts, failure to exclude the requested time would
18 result in a miscarriage of justice, as it is unreasonable to expect adequate preparation for
19 pretrial motions or for the trial itself within 70 days, absent the requested time exclusion.

20 Accordingly, good cause having been shown, **IT IS HEREBY ORDERED** that
21 the time from April 4, 2016, through April 18, 2016, is excluded from the Speedy Trial
22 Act calculations on the grounds that: (1) there are pretrial motions pending that require a
23 hearing, see 18 U.S.C. § 3161(h)(1)(D); and (2) the ends of justice served by excluding
24 time outweigh the best interests of the public and the defendants in a speedy trial, see 18
25 U.S.C. § 3161(h)(7)(A).

26 **IT IS SO ORDERED.**

27 DATE: March 25, 2016

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HON. MICHAEL M. ANELLO
United States District Judge